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No. 182

Food Secretariat

ORDER

Bangalore, dated the 6th October 1965.

S. O. 3251.—In exercise of the powers conferred by sub-rules (2) and (3) of rule 125 of the Defence of India Rules, 1962, and of all other powers hereunto enabling and with the prior concurrence of the Central Government, the Government of Mysore hereby makes the following order, namely:—

1. Title, extent and commencement.—(1) This Order may be called the Mysore Jowar Procurement (Levy) Second Order, 1965.

(2) It extends to the whole of the State of Mysore.

( ) It shall come into force on the 7th October 1965.

2 Definition.—In this Order, unless the context otherwise requires:—

(*a*) "Chavadi" shall have the same meaning as in the Mysore Land Revenue Act, 1964;

(*b*) "Enforcement Officer" means (i) The Director of Food Supplies in Mysore for the whole of the State of Mysore; (ii) The Deputy Commissioner, the Assistant Commissioner, and the Tahsildar, within their respective jurisdiction; (iii) an officer not below the rank of a Revenue Inspector appointed by order of the Deputy Commissioner of the District as Enforcement officer within such areas as the Deputy Commissioner may specify in such order;

(*c*) "grower" means every person who raises jowar on land in his possession which he holds as land-holder, tenant, mortgagee with possession or in any other capacity, or in more than one such capacity ;

(*d*) "holding" means the land or lands held by a grower ;

(*e*) "Purchase Officer" means the Director of Food Supplies in Mysore, for the whole of the State of Mysore and the Deputy Commissioner, the Assistant Commissioner and the Tahsildar, within their respective jurisdiction ;

(*f*) "purchase price" means—

(*i*) in respect of yellow or red jowar, fifty rupees per quintal ; and

(*ii*) in respect of white jowar, fifty-two rupees per quintal ;

(*g*) "Schedule" means the Schedule appended to this Order.

3. Levy on Jowar.—(1) Every grower shall, out of the jowar grown on his holding and held by him in stock, sell to the Purchase Officer at the purchase price such quantity of jowar determined in accordance with the scales specified in the Schedule.

(2) The jowar required to be sold under the sub-clause (1) shall be delivered by the grower to the Purchase Officer or such other person as may be authorised in this behalf by the purchase Officer, at the Chavadi or at such other place as may be notified by the Tahsildar.

Explanation : For the purpose of this clause, jowar in the possession or control of the grower immediately after it is harvested shall be deemed to be jowar held in stock by the grower.

4. Liability of tenant for payment of rent in cash in lieu of rent in kind .—(1) Where a grower who is a tenant liable to pay rent in kind to the landlord sells jowar to the Purchase Officer under clause 3 the rent payable by him shall, as far as possible, be partly in cash and partly in kind the amount payable in cash and kind being determined in accordance with the provisions of sub-clause (2).

(2) (a) The part of the rent payable in cash under sub-clause (1) from out of the total amount of purchase price received by the grower shall be in the same proportion as the rent payable in kind by such tenant to the landlord bears to the total quantity of jowar grown on the land.

(*b*) The part of rent payable in kind under sub-clause (1) shall be the quantity of jowar payable as rent after deducting the quantity in respect of which the rent is payable in cash under paragraph (*a*).

Illustration.—'A'; a grower holds eight acres of land leased to him by his landlord, (B). 'A' grows 15 quintals of jowar on the land of which he is liable to pay as rent to 'B', 3 quintals. 'A' sells 175 Kgs to the Purchase Officer under clause 3 of this Order. As the rent payable is one-fifth of the quantity grown, 'A' will be liable to pay one-fifth of the Purchase Price received by him as cash rent, and as rent in kind, 265 Kgs. of Jowar.

5. Grant of Certificate.—The Purchase Officer after purchasing the stock of jowar from the grower under clause 3 shall grant a certificate specifying the quantity of jowar so purchased and the quantity of jowar remaining with the grower.

6. Powers of entry, search, seizure, etc.—Any Enforcement Officer, may, within the limits of his jurisdiction with a view to securing compliance with this Order or to satisfy himself that this Order has been complied with,—

(*a*) enter, inspect or search any premises, place vehicle or vessel in which he has reason to believe that a contravention of this Order has been, is being, or is about or likely, to be committed ;

(*b*) enter into, search or inspect any vehicle or vessel or other conveyance used or intended to be used for the movement of foodgrains ;

(*c*) seize the stock of foodgrains in respect of which the Officer has reason to believe that a contravention of this order has been, or is being, or is about or likely to be committed along with the packages, coverings, or receptacles in which such foodgrains are found, or vehicles, vessles

or other conveyances used in carrying such foodgrains and thereafter take action in accordance with sub-rule (7) of rule 125 of the Defence of India Rules, 1962.

7. **Repeal and Savings.**—The Mysore Jower Procurement (Levy) Order, 1965, is hereby repealed :

Provided that such repeal shall not—

(*a*) affect the previous operation of the said order or anything duly done or suffered thereunder ; or

(*b*) affect any right, privilege, obligation or liability acquired, accrued or incurred under the said order ; or

(*c*) affect any penalty, forfeiture or punishment incurred in respect of any contravention of the said order ; or

(*d*) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ; and any such investigation, legal proceeding or remedy may be instituted, continued or endorsed, and any such penalty, forfeiture or punishment may be imposed as if the said order had not been repealed.

SCHEDULE

(*See* Clause 3 (1))

Scale for sale of Jewar

(1) In respect of the first acre of the holding o the grower.	Nil
(2) In respect of every acre of the next nine acres of the holding of the grower.	Twenty five Kilograms per acre
(3) In respect of every acre of the remaining acres of the holding of the grower.	Thirty Kilograms per acre.

[No. RD 409 FFP 65.]

By Order and in the name of the Governor of Mysore,

N. NARASIMHA RAU, *Secretary.*

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